



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,226	04/23/2001	Brant Lindsey Candelore	M-8782 US	3479

27774 7590 02/02/2006

MAYER, FORTKORT & WILLIAMS, PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

EXAMINER

NOBAHAR, ABDULHAKIM

ART UNIT	PAPER NUMBER
----------	--------------

2132

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/840,226	CANDELORE, BRANT LINDSEY	
	Examiner	Art Unit	
	Abdulahkim Nobahar	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30,32 and 34-61 is/are pending in the application.
- 4a) Of the above claim(s) 31 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30,32 and 34-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicants' response received on November 18, 2005.
2. Amendments of claims 3-8 are acknowledged.
3. Cancellation of claims 31 and 33 are acknowledged.
4. Declaration of Brant Lindsay Candelore Pursuant to 37 CFR 1.131 does not overcome the rejection because the cited reference Rittmaster et al (2002/0023010 A1) is a non-provisional of provisional application No. 60/191,003, filed on March 21, 2000. Thus, the priority date of the cited reference is March 21, 2000.
5. In light of the above submission the previous rejection of the original claims under 35 USC § 102 is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30, 32 and 34-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Rittmaster et al (US 2002/0023010 A1; hereinafter Rittmaster).

Rittmaster discloses a system that includes remote recipients, which receive information from a provider processor over a communication network. The system that uses GPS limits the use of information based on geographical location (see, for example, [009]-0011)).

Claim 1

Rittmaster discloses:

a content source unit configured to produce content signals (see, for example, [009]-[0011]; [0033]);

an access criteria unit configured to produce access criteria, the access criteria specifying at least one pre-determined GPS location where a content receiver is authorized or not authorized to descramble content signals (see, for example, [0011]; [0013]; [0014]; [0039]; [0066]; [0083]); and

a processor coupled to the content source and the access criteria unit, the processor being configured to associate access criteria from the access criteria unit with content signals from the content source unit, the processor being configured to scramble the content signals (see, for example, [0010]; [0067]; [0082]).

Claim 2

Rittmaster discloses:

The system of claim 1, further comprising a transmitter coupled to the processor, the transmitter being configured to transmit the scrambled content signals and the access criteria to at least one content receiver (see, for example, [0003]; [0054]; [0079]; [0143]).

Claims 3-8

Rittmaster discloses the transmission of information via a suitable means from a provider to a receiver (see, for example, [0032]).

Claim 9

Rittmaster discloses:

The system of claim 1, further comprising a media writer coupled to the processor, the media writer being configured to write the scrambled content signals and the access criteria from the processor to at least one media configured to be played by a content player (see, for example, [0033]).

Claims 10-12

Rittmaster discloses a system for distribution of a variety of information (see, for example, [0003]; [0112], [0161]).

Claim 13

Rittmaster discloses:

The system of claim 1, wherein the access criteria further comprise a time period when a content receiver is authorized to descramble the content signal (see, for example, [0014]; [0042]).

Claim 14

Rittmaster discloses:

A content processing device comprising (see, for example, [0010]):

a descrambler, the descrambler being configured to descramble scrambled content signals (see, for example, [0083]);

a means for autonomously determining location (see, for example, Fig. 2, GPS 22; [0039]);

a processor coupled to the means for autonomously determining location and the descrambling module, the processor being configured to compare the location determined by the means for autonomously determining location with pre-determined access criteria, wherein if the location determined by the means for autonomously determining location meets the access criteria, then the processor allows the descrambler to descramble content signals, and if the location determined by the means for autonomously determining location does not meet the access criteria, then the processor prevents the descrambler from descrambling content signals (see, for example, Fig. 2, GPS 22; [0039]; [0053]; [0075]; [0084]; [0109]).

Claims 15

Rittmaster discloses:

The content processing device of claim 14, wherein the means for autonomously determining location comprises a Global Positioning System (GPS) receiver configured to receive a plurality of GPS signals from a plurality of GPS satellites, the GPS receiver configured to determine a location of the GPS receiver based on the GPS signals (see, for example, Fig. 2, GPS 22; [0039]).

Claim 16

Rittmaster discloses:

The content processing device of claim 14, wherein the means for autonomously determining location comprises a cellular signal receiver (see, for example, [0090]).

Claim 17

Rittmaster discloses:

The content processing device of claim 14, further comprising a receiver coupled to the descrambler, the receiver being configured to receive scrambled content signals from at least one content provider (see, for example, Fig. 2; Fig. 7; Fig. 10).

Claim 18

Rittmaster discloses:

The content processing device of claim 14, further comprising a media reader coupled to the descrambler, the media reader being configured to read scrambled content from a media (see, for example, [0004]; [0012]; [0033]; [0035]; [0057]).

Claim 19

Rittmaster discloses:

The content processing device of claim 14, wherein the access criteria are delivered with the content signals from the content provider (see, for example, [0010]; [0054]; [0079]; [0143]).

Claim 20

Rittmaster discloses:

The content processing device of claim 14, wherein the access criteria are delivered from the content provider independently of the content signals (see, for example, [0010]; [0054]; [0079]; [0143]; [0165]).

Claim 21

Rittmaster discloses:

The content processing device of claim 14, wherein the access criteria are stored in the content processing device during manufacturing (see, for example, [0033]; [0049]; [0165]).

Claim 22

Rittmaster discloses:

The content processing device of claim 14, wherein the access criteria specify at least one location where at least one content processing device is authorized to descramble content signals (see, for example, [0009]-[0011]; [0055]-[0056]).

Claim 23

Rittmaster discloses:

The content processing device of claim 14, wherein the access criteria specify at least one location where at least one content processing device is not authorized to descramble content signals (see, for example, [0009]-[0011]; [0055]-[0056]).

Claim 24

Rittmaster discloses:

The content processing device of claim 14, wherein the access criteria specify at least one location where at least one content processing device is authorized to descramble content signals and at least one location where at least one content processing device is not authorized to descramble content signals (see, for example, [0009]-[0011]; [0055]-[0056]).

Claim 25

Rittmaster discloses:

The content processing device of claim 14, wherein the access criteria further comprise a time period when the content processing device is authorized to descramble the content signal (see, for example, [0014]; [0042]).

Claim 26

Rittmaster discloses:

The content processing device of claim 14, wherein the content processing device comprises a set-top box (see, for example, [0035]).

Claim 27

Rittmaster discloses:

The content processing device of claim 14, wherein the descrambler comprises a conditional access module, the conditional access module comprising a conditional access descrambler and a copy protection scrambler (see, for example, [0084]; [0154]).

Claim 28

Rittmaster discloses:

The content processing device of claim 14, wherein the content processing device is configured to transmit descrambled content signals to a display unit configured to display the descrambled content signals (see, for example, [0043]; [0047]).

Claim 29

Rittmaster discloses:

The content processing device of claim 14, further comprising: a receiver coupled to the descrambler, the receiver being configured to receive scrambled content signals from at least one content provider; and a demodulator coupled to the receiver, the demodulator being configured to demodulate the content signals received by the receiver (see, for example, [0011]; [0032]; [0035]).

Claim 30

Rittmaster discloses:

The content processing device of claim 29, further comprising a storage device to store the scrambled content signals prior to descrambling (see, for example, [0043]).

Claim 32

Rittmaster discloses:

The content processing device of claim 31, wherein the projector is configured to be used for Digital Cinema in a movie theater (see, for example, [0036]; [0043]; [0100]; [0116]).

Claim 34

Rittmaster discloses:

The content processing device of claim 14, wherein the means for autonomously determining location comprises a Global Positioning System (GPS) receiver, and further comprising a secure source of time coupled to the processor, the secure source of time being used to verify an authenticity of a GPS signal received by the GPS receiver (see, for example, [0014]; [0042]; Fig. 2, GPS 22; [0039]; [0053]; [0061]).

Claim 35 and 36

Rittmaster discloses:

The content processing device of claim 14, wherein the means for autonomously determining location is packaged in a portable module (see, for example, [0035]; [0049]; [085]; [0090]).

Claim 37

Rittmaster discloses:

The content processing device of claim 35, wherein the portable module comprises a Global Positioning System (GPS) receiver and a secure source of time that is used to verify an authenticity of a GPS signal received by the GPS receiver (see, for example, Fig. 2, GPS 22; [0035]; [0042]; [0049]; [0061]; [085]; [0090]; [0151]).

Claim 38

Rittmaster discloses:

The content processing device of claim 14, wherein the descrambler comprises a conditional access descrambler and a copy protection scrambler (see, for example, [0084]; [0154]).

Claim 39

Rittmaster discloses:

The content processing device of claim 14, further comprising a decoder coupled to the descrambler, the decoder being configured to decode descrambled content signals (see, for example, [0066]; [0075]; [0148]).

Claim 40

Rittmaster discloses:

The content processing device of claim 14, wherein the GPS receiver is further configured to send a cryptographic signature with the determined location to the processor, the processor being configured to check the cryptographic signature to verify an authentic location determined by the GPS receiver (see, for example, [0067]; [0151]; [0156]).

Claim 41

Rittmaster discloses:

The content processing device of claim 40, wherein the GPS receiver comprises an anti-tamper security perimeter (see, for example, [0004]; [0044]; [0079]; [0090]; [0091]; [0146]).

Claims 42-44

Rittmaster discloses:

The content processing device of claim 40, wherein the cryptographic signature uses public key or secret key cryptography (see, for example, [0082]; [0084]).

Claim 45

Rittmaster discloses:

A method of authenticating the location of a content processing device (see, for example, [0151]; [0156]; [0157]), the method comprising:

associating access criteria with content signals, the access criteria comprising at least one pre-determined Global Positioning System (GPS) location where a content processing device is authorized to decode content signals (see, for example, [0010]; [0013]; [0014]; [0039]; [0066]; [0067]; [0082]; [0083]);

coding the content signals to prevent unauthorized content processing devices from accessing the content signals (see, for example, [0085]; [0090]; [0104]); and delivering the content signals with the access criteria to at least one content processing device (see, for example, [0003]; [0054]; [0079]; [0143]).

Claim 46

Rittmaster discloses:

The method of claim 45, wherein associating access criteria with content signals comprises combining access criteria with content signals (see, for example, [0089]).

Claim 47

Rittmaster discloses:

The method of claim 45, wherein the access criteria further comprises a time period when a content processing device is authorized to decode the content signal (see, for example, [0014]; [0042]).

Claims 48 and 49

Rittmaster discloses:

The method of claim 45, wherein delivering the content signals with the access criteria comprises wireless transmission or transmission via a cable network (see, for example, [0032]).

Claim 50

Rittmaster discloses:

A method of authenticating the location of a content processing device (see, for example, [0151]; [0156]; [0157]), the method comprising:

receiving a plurality of Global Positioning System (GPS) signals from a plurality of GPS satellites at a content receiver (see, for example, Fig. 2, GPS 22; [0039]);

determining a location of the content processing device based on the GPS signals (see, for example, Fig. 2, GPS 22; [0039]); and

comparing the location based on the GPS signals with pre-determined access criteria, wherein (a) if the location based on the GPS signals meets the access criteria, then descrambling a set of content signals, (b) if the location based on the GPS signals does not meet the access criteria, then preventing the content signals from being descrambled (see, for example, Fig. 2, GPS 22; [0039]; [0053]; [0075]; [0084]; [0109]).

Claim 51

Rittmaster discloses:

The method of claim 50, further comprising receiving scrambled content signals from a content provider at the content processing device (see, for example, Fig. 2; Fig. 10).

Claim 52

Rittmaster discloses:

The method of claim 50, further comprising reading scrambled content from a media at the content processing device (see, for example, [0004]; [0033]; Fig. 2; Fig. 10).

Claim 53

Rittmaster discloses:

The method of claim 50, further comprising comparing a time when the GPS signals were received with a pre-determined access time criteria, wherein (a) if the time when the

GPS signals were received meets the access time criteria, then descrambling the content signals, (b) if the time when the GPS signals were received does not meet the access time criteria, then preventing the content signals from being descrambled (see, for example, [0014]; [0042]).

Claim 54

Rittmaster discloses:

A conditional access device configured to be coupled to a content processing device, the conditional access device comprising:

a content descrambler configured to descramble scrambled content signals (see, for example, [0084]-[0085]);

and a means of autonomously determining a location of the descrambler (see, for example, Fig. 2, GPS 22; [0039]).

Claim 55

Rittmaster discloses:

The device of claim 54, wherein the means of autonomously determining a location comprises a Global Positioning System (GPS) receiver that uses GPS signals to determine a location (see, for example, Fig. 2, GPS 22; [0035]; 0039] ; [0049]; [085]; [0090]).

Claim 56

Rittmaster discloses:

The device of claim 54, wherein the means of autonomously determining a location comprises a cellular signal receiver (see, for example, [0090]).

Claim 57

Rittmaster discloses:

The device of claim 54, wherein the means of autonomously determining a location comprises a security perimeter (see, for example, Fig. 2, GPS 22; [0039]; [0044]; [0090]; [0091]).

Claims 58 and 59

Rittmaster discloses:

The device of claim 57, wherein the device uses secret or public key cryptography to communicate outside the security perimeter (see, for example, [0082]; [0084]).

Claims 60 and 61

Rittmaster discloses:

The device of claim 57, wherein the device is configured to use a secure time source to detect and discard false GPS signals (see, for example, [0014]; [0042]; [0065]; [0085]; [0100]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2132

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulhakim Nobahar
Examiner
Art Unit 2132 *a.n.*

January 24, 2006

Gilberto Barron Jr.
GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100